

ARTICLE 39: HEALTH AND SAFETY

POLICY

- 39.1 Consistent with applicable law, Executive Order 12196, Occupational, Safety, Health Administration requirements, as well as other applicable health and safety codes, the Employer will support the maintenance of safe and healthful working conditions for all employees. If an appropriate authority determines there is a significant health or safety problem and the Department does not take timely action on the problem, the Employer, to the extent of its authority, will provide an appropriate remedy to address the needs of employees. The Employer and the Union will cooperate to that end and will encourage employees to work in a safe manner.
- 39.2 Pursuant to applicable law and regulation, no employee shall be subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthful working condition, or other participation in Agency occupational safety and health program activities, or because of the exercise by such employee on their behalf or another's of any right afforded by Section 19 of the Occupational Safety and Health Act, Executive Order 12196, or 29 CFR 1960. These rights include, among others, the right of an employee to decline to perform their assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard reporting.

EMPLOYER

- 39.3 The Employer will work with all person, entities, or organizations which own and/or control work space to which bargaining unit members are assigned to ensure that healthy and safe working conditions are maintained and to ensure compliance with applicable laws, rules, and regulations, and this Agreement. The Employer will provide feedback to employees and the Union regarding the results of any action taken. The Employer agrees:
- a. to provide information concerning Federal Employee Health Benefit and Life Insurance Programs, pre-retirement planning, retirement benefits information, the USDA's TARGET center, and the Employee Assistance Program;
 - b. to make information available to employees on health benefits open season activities and maintain copies of offered health plans for review upon request;
 - c. to work with the building manager, the Department, General Services

Administration (GSA), and private lessors, as applicable, to have safe electrical equipment, and adequate light and ventilation in all work areas;

- d. to provide information available through the Department about ergonomic hazards and how to prevent ergonomic related injuries;
- e. to grant periodic relief to employees using VDTs (video display terminals) for extended periods during the course of a day, by interspersing other work tasks requiring less visual concentration;
- f. to provide, to the extent possible, safety devices, such as anti-glare screens and wrist props, which will promote greater safety and comfort for VDT operators;
- g. to follow the Americans With Disabilities Act and GSA regulations in providing facilities appropriate and adequate to accommodate the needs of disabled employees;
- h. to inform the AFSA/FAS of any decision to introduce new office equipment into the work place so that the AFSA/FAS may, thereafter, request bargaining concerning any appropriate arrangements required because of the new equipment;
- i. to obtain and provide to AFSA/FAS copies of applicable regulations;
- j. to make available for review by AFSA/FAS all safety reports generated by or available to FAS that are required by law, regulation, and/or this Agreement; and,
- k. to assure the provision of safe, potable, drinking water to all bargaining unit members within ready access of working areas. Ready access is defined as a distance no more than the location of the nearest gender appropriate restroom.

AFSA/FAS

- 39.4 The AFSA/FAS will encourage all bargaining unit members to work safely with due consideration for the safety, health, and comfort of all fellow employees. To avoid preventable unhealthy or unsafe working conditions, the AFSA/FAS will encourage respect and care by bargaining unit members for the Employer's facilities and equipment and their own work environment.

REPORTS

39.5 Employee Reports of Unsafe or Unhealthy Working Conditions

- a. Each bargaining unit member is encouraged to report any unsafe or unhealthy working conditions to his or her immediate supervisor as soon as any such conditions come to his or her attention.
- b. The Employer will investigate the reported condition as soon as is practicable, and may refer the situation to: (a) the appropriate FSA or USDA office; (b) GSA; (c) the OSHA of the Department of Labor; (d) the Public Health Service (PHS) Health Unit; or (e) other appropriate officials(s) for further investigation. To the extent possible, the AFSA/FAS will be given an opportunity to accompany any inspector who responds on such a complaint during the inspector's physical inspection of the workplace unless it would be hazardous to accompany the inspector. The AFSA/FAS representative will be granted official time for this purpose.
- c. The Employer will ensure a timely response to an employee's report of hazardous conditions. No employee will be unreasonably required to continue working in a situation determined to pose the threat of imminent danger or significant health hazard as determined by the appropriate authorities.
- d. If an employee is assigned duties which he/she reasonably believes could possibly endanger his/her health or well-being, the employee will immediately notify his/her immediate or second-line supervisor of the situation. If the supervisor cannot solve the problem and agrees with the employee, the supervisor will, under normal circumstances, delay the assignment and refer the matter through the proper channels for appropriate action, unless the delay would unduly interfere with the Employer's operation. When the supervisor does not agree with the employee's concerns, the employee has the right to consult the AFSA/FAS and the right to file a report in accordance with the applicable agency or departmental regulations.

OCCUPATIONAL INJURY OR ILLNESS

- 39.6 Employees who become injured or occupationally ill in the performance of duties shall report the injury or illness to their supervisor immediately. The supervisor will refer the employee to the Human Resources Division (HRD), the Health Unit, or other medical service as appropriate and as permitted by applicable law, rule, or regulation. The supervisor shall also advise the employee to contact HRD/FSA to obtain information on benefits under the Federal Employees' Compensation Act. The Employer and employee shall cooperate in promptly processing all paperwork in connection with compensation claims.

OCCUPANT EMERGENCY PLAN

- 39.7 Each building in which bargaining unit members are stationed within the United States will have an Occupant Emergency Plan. The Employer will issue an annual reminder of the Occupant Emergency Program Plan.

FIRST-AID

- 39.8 The Employer will provide first-aid kits at FAS building locations for use when Health Unit facilities are not available.
- 39.9 The Employer may provide for training to interested employees for cardiopulmonary resuscitation (CPR) during duty or non-duty hours. If during duty hours, official time will be given to those approved in advance for participation.

HEALTH UNIT

- 39.10 The Employer currently participates in the Federal Employee Occupational Health program administered by the Public Health Service, U.S. Department of Health and Human Services. The Employer and AFSA/FAS will work cooperatively to ensure that the Department maintains a health unit at the site where the majority of FAS employees are located.
- 39.11 In the event an employee becomes incapacitated on the job, the Employer will notify Health Unit personnel who may call for emergency transportation if deemed appropriate.